

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CECIL FOUNTAIN, JR.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:13-cv-00245-CAR
)	
WOLF CREEK LANDFILL, LLC)	
A Limited Liability Company,)	
)	
Defendant.)	

**DEFENDANT'S 12(B)(6) MOTION TO DISMISS PLAINTIFF'S CLAIMS
FOR PUNITIVE AND EMOTIONAL DAMAGES**

COMES NOW Defendant Wolf Creek Landfill, LLC ("Defendant" or "Wolf Creek"), and pursuant to Fed. R. Civ. P. 12(b)(6), hereby files its Motion to Dismiss Plaintiff Cecil Fountain, Jr.'s ("Plaintiff" or "Fountain") claims for punitive and emotional damages. In support of its Motion to Dismiss, Wolf Creek relies on all pleadings filed with this Court and its Memorandum of Law ("Memorandum"), filed contemporaneously herewith.

Accordingly, for all reasons stated herein and in the Memorandum, Wolf Creek prays that Plaintiff's claims for punitive and emotional damages be dismissed from the Complaint.

Respectfully submitted this 15th day of July, 2013.

**BAKER DONELSON BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

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FONT CERTIFICATION

The undersigned counsel for Defendant Wolf Creek Landfill, LLC hereby certifies that the foregoing document was prepared using Times New Roman 14-point font in accordance with Local Rule 5.1.

/s/ Emily C.R. Early
Emily C.R. Early

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CERTIFICATE OF SERVICE

This will certify service of a copy of the foregoing document via CM/ECF Notification and U.S. Mail with sufficient postage thereon on to ensure delivery to the following:

R. Lars Anderson
2476 Vineville Avenue
Macon, Georgia 31204

This 15th day of July, 2013.

**BAKER DONELSON BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

/s/ Emily C.R. Early
Emily C.R. Early
*Attorney for Defendant Wolf Creek
Landfill, LLC*